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C O N F I D E N T I A L SECTION 01 OF 02 SANAA 000276

SIPDIS

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TAGS: [PTER](#) [PREL](#) [ASEC](#) [YM](#) [COUNTER](#) [TERRORISM](#)

SUBJECT: HARSHER SENTENCES AWARDED AND APPEALS REJECTED IN  
YEMEN'S TERRORISM TRIAL

REF: A. SANAA 2328

[B](#). SANAA 2535

Classified By: By DCM Nabeel Khoury for reasons 1.4 (d) and (b).

[1](#). (U) In the Yemeni legal system, both defense and prosecution can appeal a ruling. On February 6 a Sanaa Appellate Court resented one defendant to death (from a ten year sentence), awarded harsher sentences for two defendants and upheld the sentences of the remaining defendants in the group terrorism trial (Ref A). The defendants are charged with involvement in the 11/02 attack on the Hunt Oil helicopter, the 10/02 attack on the oil tanker M/V Limburg, the 08/02 al-Qaddissia explosion and the 2002 plot to assassinate the U.S. Ambassador.

[2](#). (U) After the February 6 decision, three sentences were amended as follows:

Two sentences were increased from ten to fifteen years in prison for the 2002 attack on the French tanker M.V. Limburg:

-- Omer Sa'id Jarallah  
-- Fawzi al-Hababi

One sentence was increased from ten years to death for plotting to attack the Civil Aviation and Meteorology Authority (i.e. Hunt Helicopter attack), the killing of a Ministry of Interior policeman and for planning to kill the U.S. Ambassador to Yemen:

-- Fawaz al Rabi'ea

[3](#). (U) The remaining sentences were upheld:

Three sentences of ten years in prison for the 2002 attack on the French tanker  
M.V. Limburg:

-- Mohammed al-Ammari  
-- Fawzi al-Wajih  
-- Yasser Ali al-Madani

Ten years in prison for plotting to attack the Civil Aviation and Meteorology Authority (i.e. Hunt Helicopter attack):

-- Abu Bakr al-Rabi'ea

Five years in prison for plotting to attack foreign embassies in Sanaa and for planning to kill the U.S. Ambassador to Yemen:

-- Ibrahim al-Howeid  
-- Aref Saleh Mujalli  
-- Mohammed Ali al-Daylami  
-- Qassem al-Rayni  
-- Abdul-Ghani Dhayfan

Three years in prison for forging documents (i.e. the al-Qadissiya explosion):

-- Salim al-Dulaymi  
-- Kahled al-Juloab

Death for killing a Ministry of Interior policeman while fleeing from the attack on the Hunt helicopter:

-- Hizam Mujallad

[4](#). (SBU/NF) Chief Prosecutor, Saeed al-Aqel, told Pol/Econoff on February 7 that he was surprised at the new verdicts, but noted that his whole strategy from the beginning was to concentrate on winning in the appeal process. He added that he "now felt rested," and expected the Supreme Court to uphold the amended verdicts. Aqel said he expects a decision in the USS COLE appeal (Ref B) to be issued on or about March [1](#).

[5](#). (C) Comment: The Appellate Court's firmer sentence for Fawaz al-Rabi'ea is a step forward for ROYG CT cooperation in two ways. One, evidence strongly points to Rabi'ea being one of two ring leaders for the loosely affiliated al-Qaeda members in the group trial. The Appellate decision confirms this view. Second, in sentencing Rabi'ea to death, the court applied two legal concepts foreign to Yemeni courts:

conspiracy and complicity. This precedent allows the ROYG to appropriately punish terrorist conspirators in the absence of a specific terrorism law and could serve as a model for future cases in Yemen. End comment.  
Krajeski